



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 167	Senate Amendment 1
<i>Memo published: December 6, 2001</i> <i>Contact: Joyce L. Kiel, Senior Staff Attorney (266-3137)</i>	

CURRENT LAW

Current law provides that the Department of Transportation (DOT) may release the photograph of an applicant for an operator's license or DOT identification card to the person photographed. The only other entity to which such a photograph may be released is a Wisconsin law enforcement agency or a law enforcement agency of a physically adjacent state (that is, Iowa, Minnesota, Michigan, and Illinois). However, a photograph may be released to such a law enforcement agency only for the following purposes: (1) an investigation of unlawful activity; (2) a missing person investigation; (3) the identification of an accident victim; and (4) the identification of a deceased person. Moreover, a request must be in writing and must meet various requirements.

If a photograph is released, the photograph must be kept confidential and may be disclosed only as necessary to perform a law enforcement function. It must be destroyed when no longer necessary to perform this function. DOT may not release a photograph to a law enforcement agency in a physically adjacent state unless the other state provides similar or greater access to its photographs.

The statute providing for release of such photographs to law enforcement agencies is scheduled to sunset on December 31, 2002. However, this sunset was repealed by 2001 Assembly Bill 110, which has been passed by the Assembly and Senate but not yet signed by the Governor.

2001 ASSEMBLY BILL 167

Assembly Bill 167 expands the law enforcement agencies to which such photographs may be released, subject to the same restrictions and requirements that apply under current law. The bill expands the statute to include law enforcement agencies in *any state and federal law enforcement agencies*, rather than limiting access to law enforcement agencies in Wisconsin or in physically adjacent states. The bill retains the requirement in current law that release may be made to a law enforcement agency of another state only if that state provides similar or greater access to its photographs.

SENATE AMENDMENT 1 TO 2001 ASSEMBLY BILL 167

Senate Amendment 1 to the bill repeals the requirement in current law that DOT may release such a photograph only if a statement is made by an appropriate officer of the law enforcement agency that the request is not made solely to obtain a photograph for use as part of a photo lineup or photo array. All of the other restrictions and requirements of current law continue to apply.

Assembly Bill 167 was passed by the Assembly on a voice vote. It was referred to the Senate Committee on Insurance, Tourism, and Transportation which introduced and recommended adoption of Senate Amendment 1 and recommended concurrence in the bill, as amended, both on a vote of Ayes, 5; Noes, 0.

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